

THE HON'BLE SRI JUSTICE V.ESWARAIAH
WRIT PETITION No.23570 of 2007

Between:

Sannapureddy Pakkira Reddy.

.. PETITIONER

and

The Revenue Divisional Officer and another.

.. RESPONDENTS

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ORDER:

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It is the case of the petitioner that he is the owner of the land admeasuring Ac.4-70 cents in Sy.No.360 situated at Siddavaram Village, Porumamilla Mandal, Kadapa District, having acquired through his ancestors. The said survey number was sub-divided into Sy.No.360/1 an extent of Ac.1-43 cents, Sy.No.360/2 an extent of Ac.0-05 cents and Sy.No.360/3 an extent of Ac.3-22 cents. He is also the owner of the land admeasuring Ac.1-91 cents in Sy.No.364 of the said village. The said land was purchased by his mother in the year 1991. Thus, the petitioner is claiming the ownership of the total extent the land admeasuring Ac.6-61 cents. While so, the 2nd respondent, after issuing notice under Section 7 of A.P.Land Encroachment Act, 1905, (for short "the Act") and after considering his explanation, passed an order under Section 6 of the Act on 19-10-2007 through proceedings in Ref.No.B/704/07. Aggrieved by the order of the 2nd respondent, dated 19-10-2007, the petitioner filed an appeal along with stay application before the 1st respondent on 24-10-2007. It is stated that so far the stay application has not been disposed of.

It is the case of the petitioner that the aforesaid lands are not Government lands, but they are patta lands and, therefore, unless the Land Acquisition proceedings have been initiated, the petitioner cannot be deprived of his right to enjoy the said lands.

On the other hand, learned Government Pleader for Revenue appearing for the respondents submits that a perusal of the order passed under Section 6 of the Act goes to show that the lands were already acquired in respect of Sy.Nos.367/1, 368/2, 363/1 and 365/2B vide Award No.1/85-86, dated 17-10-1985. Insofar as the lands in Sy.Nos.360/1 and 360/2 are concerned, they are assessed waste-lands as per the Revenue Survey Record.

Learned counsel appearing for the petitioner relied on a report submitted by the Special Deputy Collector (Land Acquisition), Telugu Ganga Project, Cuddapah, to the Special Collector, Telugu Ganga Project, Nellore, in proceedings in Rc.E/1356/90, dated 14-05-1991, wherein it has been

stated that the Executive Engineer, Telugu Ganga Project, Badwel, sent a requisition for acquiring the lands in Sy.Nos.360/1, 360/2, 360/2B, 362/2, 363/1, 364/2, 365/2B, 365/3B, 366/1B, 367/1, 368/2 and 370/2 respectively. Insofar as the lands in Sy.Nos.360/1, 360/2, 361/2B, 362/2, 364/2, 365/3B, 366/1B, 366/3B and 370/2 are concerned, it is stated that they have already been handed over to the Assistant Engineer, Telugu Ganga Project, Badwel, on 18-12-1990.

It is further stated that insofar as the lands admeasuring Ac.1-43 cents in Sy.No.360/1 and Ac.0-05 cents in Sy.No.360/2 situated at Siddavaram Village, Porumamilla Mandal, Kadapa District, are concerned, they are not assigned lands and, therefore, they have to be treated as patta lands only. But, in the impugned order, it is stated that there are certain manipulations in 10(1) Account. However, if the petitioner establishes his right over the said lands, he is entitled for compensation. Accordingly, it is observed that he is at liberty to prove his civil right in a competent court of law, so as to enable him to get compensation under the Land Acquisition proceedings.

Any how, as the stay application is pending before the 1st respondent, without expressing any opinion on the merits of the case, I am of the opinion that it is just and proper to direct the 1st respondent to consider and dispose of the stay application filed along with the appeal against the order of the 2nd respondent in Ref.No.B/704/2007, dated 19-10-2007.

Accordingly, the writ petition is disposed of directing the 1st respondent to consider and dispose of the stay application filed along with the appeal against the order of the 2nd respondent in Ref.No.B/704/2007, dated 19-10-2007, within ten days from the date of receipt of a copy of this order. There shall be no order as to costs.

06-11-2007

Prv